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PTO/SB/25 (09-06)
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## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional) 3831.03

In re Application of: SHUICHI MIZUNO, ET AL.	
Application No.: 10/626,459	
Filed: JULY 22, 2003	
For: METHOD FOR GROWTH AND <i>DE NOVO</i> FORMATION OF A SUPERFICIAL CARTILAGE LAYER <i>IN SITU</i> AND FOR REPAIR OF DAMAGED CARTILAGE USING NEO-CARTILAGE CONSTRUCTS	
The owner*, HISTOGENICS CORP., of 100 percent interest in the instant application hereby disexcept as provided below, the terminal part of the statutory term of any patent granted on the instant application which would the expiration date of the full statutory term of any patent granted on pending reference Application 10/625,822 filled on JULY 22, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending representation. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for a such period that it and any patent granted on the reference application are commonly owned. This agreement runs with a granted on the instant application and is binding upon the grantee, its successors or assigns.	ranted on reference and during
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2. The undersigned is an attorney or agent of record. Reg. 30,518	
JANUARY 25, 2007	
Signature Date	
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Typed or printed name (650) 324-1677	
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Terminal disclaimer fee under 37 CFR 1.20(d) is included.	
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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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